REMARKS

This amendment is responsive to the office action dated August 23, 2005.

Claims 1-10 were pending in the application. Claims 1-10 were rejected. No claims were allowed.

By way of this amendment, the Applicant has amended Claims 1-10.

Accordingly, Claims 1-10 are currently pending.

I. OBJECTION TO DRAWINGS

The Examiner stated that the drawings were objected to for failing to show every feature of the invention specified in the claims. Specifically, the Examiner stated that Claims 3 and 4 included "a void in the rear surface of the mounting die" and that this feature is not shown in the drawings. Drawing Figs. 13 and 14 both clearly indicate a void in the rear surface of the mounting die at reference numeral 406. Further paragraph 24 of the specification clearly refers to this feature as a hole 406. The Applicant has amended the claims for consistency by changing the term "void" to "hole" as used within the specification. Additionally, the Applicant has deleted the surplus language in Claim 4 located after the period, as this language was not intended to be part of the original claim.

Accordingly, the Applicant believes that the amendments to the claims have clarified the issue identified by the Examiner and further believes that each and every claimed limitation is clearly shown within the drawings. Reconsideration and withdrawal of this objection is respectfully requested.

II. OBJECTION TO SPECIFICATION

The Examiner objected to the specification because Paragraph 16 specifies that the second contact of the LED is isolated from the mounting die and the first contact is in communication with the mounting die. In contrast, claims 2 and 3 have the second contact in communication with the die and the first contact isolated. The Applicant has amended these claims to make the language consistent with that provided within the

specification. Specifically, the Applicant has amended the claims to match the disclosure in the specification.

In addition the Examiner objected to the specification because it does not clearly and positively identify "a void" as claimed in claims 3 and 4. Paragraph 24 of the specification clearly refers to feature 406 as a hole. The Applicant has amended the claims for consistency by changing the term "void" in claims 3 and 4 to "hole" as used within the specification.

Based on the amendments to the claims the Applicant believes that the basis for this objection has been rendered moot. Accordingly, reconsideration and withdrawal of this objection is respectfully requested.

III. OBJECTION TO CLAIMS

Claims 3-6 were objected to as reciting "a void in the rear surface of the mounting die" and that this feature is not shown in the drawings. Drawing Figs. 13 and 14 both clearly indicate a void in the rear surface of the mounting die at reference numeral 406. Further paragraph 24 of the specification clearly refers to this feature as a hole 406. The Applicant has amended the claims for consistency by changing the term "void" to "hole" as used within the specification.

Accordingly, the Applicant believes that the amendments to the claims have clarified the issue identified by the Examiner and further believes that each and every claimed limitation is clearly shown within the drawings. Reconsideration and withdrawal of this objection is respectfully requested.

IV. DOUBLE PATENTING REJECTION

Claims 1-10 were rejected under the doctrine of obviousness-type double patenting in view of US Patent No. 6,827,468. Since the cited patent and the subject matter of the present invention were invented by the same inventor, Robert D. Galli, and since both the cited patent and the present application are both owned by the same person, the Applicant has enclosed herewith a terminal disclaimer and the required fee.

In view of this Terminal Disclaimer, the applicant believes that this double patenting rejection is no longer applicable. Reconsideration and withdrawal of this rejection is respectfully requested.

V. REJECTION OF CLAIMS UNDER 35 USC 103

Claims 1-10 were rejected under 35 USC 103(a), as being obvious in view of US Patent No. 6,452,217 (Wojnarowski et al.). The Examiner stated that the Wojnarowski reference discloses a light emitting diode assembly including an LED with a front luminescent portion, an interior mounting die with a heat transfer plate on the rear surface, first and second contact leads extending from the mounting die and electrical interface means. The Examiner stated that while Wonjnarowski does not teach the mounting die as being thermally conductive, it would have been obvious to make the mounting die thermally conductive and therefore the present invention is obvious and unpatentable.

In comparing the elements of the Wojnarowski and the present invention however, the Examiner has completely reconstructed the Wojnarowski device in order to arrive at the present invention. The cited reference is concerned with all of the elements required to create a light emitting diode at the ***package*** level. Accordingly, the interior mounting die referred to is the small mounting cup within the LED package itself to which the emitter chip is directly mounted. Further, the electrical interface means within the disclosed reference are the wire bonds used to energize the emitter chip.

In contrast, the present invention is directed to taking a ***prepackaged*** and fully completed high-brightness light emitting diode and further incorporating into other functional devices such as flashlights or architectural lighting. The claims have been amended in an attempt to clarify this difference. The claims of the present invention are directed to a device that incorporates a prepackaged LED into a heat sink assembly. Specifically, the claims start with a prepackaged LED that includes an emitter chip installed into a interior die with the required wire bonds to make the device functional and which is then fully encapsulated within a hermetically sealed optical enclosure. The present is not concerned with the particular details of the manufacture of the LED and its

package as all of the elements of the present invention are directed at taking the ***completed and prepackaged*** LED to further install it into another device. Accordingly, the interior mounting die of the present invention is not the element within the LED package that receives the emitter chip directly, the interior mounting die is an element that the fully completed and prepackaged LED is mounted onto. Further, the electrical leads are not leads extending from the mounting die as stated by the Examiner, they are leads that extend from the sides of the LED package itself.

The heat transfer plate of the present invention is a plate that is typically incorporated into the rear of presently manufactured high brightness LED packages and is a part of the LED package. It is not simply the rear surface of the emitter chip as the Examiner has stated. The heat transfer plate is a plate that is in thermal communication with the mounting die within the LED itself. The mounting die of the present invention is then placed on the exterior of the prepackaged LED in thermal communication with the thermal transfer plate at the rear of the LED package.

Each one of the elements of the present invention are directed to elements that are ***external*** and ***in addition to*** the analogous elements found within the LED package itself. Accordingly, the present invention includes each of the elements cited by the Examiner with respect to the Wojnarowski reference and then further includes an interior mounting die into which the entire prepackaged LED is then mounted.

Since the present invention recites numerous elements that are not disclosed in Wojnarowski, the rejection is not believed to be applicable. Reconsideration, and withdrawal of the rejection is respectfully solicited.

VI. CONCLUSION

Accordingly, claims 1-10 are believed to be in condition for allowance and the application ready for issue.

Corresponding action is respectfully solicited.

PTO is authorized to charge any additional fees incurred as a result of the filing hereof or credit any overpayment to our account #02-0900.

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Respectfully submitted,

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